

U.S. District Court
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

DEC 30 2005

Michael Baez, Plaintiff
Michael Maloney, et al.

CA# 05-11045-GAO

Plaintiff's motion for appointment
of Counsel

Now comes the plaintiff, Michael Baez, on the above entitled heading, hereby resubmitting his motion for appointment of Counsel.

In support of this motion, plaintiff attaches 2 (two) affidavits to support his claims, and that he further states that his previous motion for appointment of counsel was denied without prejudice to be renewed after defendants have filed a response to the complaints. (see exhibit A).

The Defendants have filed an answer and at this time, plaintiff is refiling this motion on the grounds that counsel is needed to represent him on this complex case.

Wherefore, plaintiff requests that this motion is ruled in his Behalf/favor so the ends of justice are met.

Respectfully submitted,
Michael Baez, ~~et al.~~

Affidavit of Michael Baez

I, Michael Baez, state the following under oath.

- #1) I am the plaintiff in this case and I submit this affidavit in support of my motion for appointment of Counsel.
- #2) As described in my original complaint, I obtained numerous injuries resulting from an extraction team operation that required me to be transported to an outside hospital.
- #3) Attached hereto are 2 photographs out of several showing the results of my injuries that were inflicted on me from the move team operation.
- #4) When I was in D.D.U, I showed another inmate (Albert Ford) the photographs of my injuries and he told me that I should hire an attorney, or my family should or draft up a pro-se lawsuit.
- #5) As described in part 4, Mr Ford decided to draft up a pro-se complaint for me

Because, he explained to me, that I do have merit to my claim and that my Constitutional rights were violated.

#6) When it comes to the law, I have no knowledge, I do not know how to file legal motions, oppositions etc. I cannot file any oppositions to the Doc's motion to dismiss etc. Because of my lack of knowledge, and this court should NOT hold that against me. I filed grievances so my claims should NOT be dismissed.

#7) Counsel is needed in this matter, so that I can proceed to the next legal stage.

Signed under the pains and
penalties of perjury,



Date: 12/28/05

Michael Baez, ~~Michael Baez~~

AFFIDAVIT

I, Albert Ford, depose and states the following under oath,

#1) I am familiar with the complaint BAEZ V. MACONEY C.A. No # 05-11045, because I am the one that put together Baez complaint for him.

#2) As described in (par #1) MR. Baez show me few photographs taken of him beaten by members of the extraction team, these photographs were outrages the worst I've ever seen since my incarceration of 1980.

#3) After reviewing these photos that's when I told Baez that he should have his family hire a lawyer or draft up a pro-se complaint, because he does have a claim of 8th amendment violation in regards to use of excessive force by the move team,

#4) At this point Baez told me that his family does not have any money to hire a lawyer and nor does he know how to draft up a lawsuit, and that's when I decided to draft up a pro-se complaint just to get him into the Courts so that the Judge can assign a law firm to amend the proceedings.

#5) After the filing of the lawsuit, I was transferred away from Baez for a while, and the next time I got moved around him that's when I found out that he still doesn't have a lawyer, and the discovery documents were not file.

#6) I would like to inform the court that this lawsuit does have merits and if you review the partial photographs attached to this motion, you will see for yourself that extreme force was used, and counsel is really needed to represent this proceeding.

#7) I am unable to help Baez out with this proceedings, he needs counsel appointed and with out the assistance of counsel this lawsuit will get dismissed and this court should not dismiss this case because the plaintiff doesn't understand the law,

Signed under pains
and penalties of perjury
this 20th day of
December 2005

Albert M.

EX: A

United States District Court
District of Massachusetts

Notice of Electronic Filing

The following transaction was received from Greenberg, Rebecca entered on 6/27/2005 at 4:52 PM EDT and filed on 6/24/2005

Case Name: Baez v. Maloney, et al

Case Number: 1:05-cv-11045

Filer:

Document Number: 4

Docket Text:

Judge George A. O'Toole Jr.: ORDER entered. MEMORANDUM AND ORDER: Plaintiff's request for appointment of counsel is denied without prejudice to renew after the Defendants have filed a response to the Complaint. If the Plaintiff wishes to renew his request, he must file a "Motion for Appointment of Counsel" setting forth the exceptional circumstances which he alleges exist in this case which would support the motion.(Greenberg, Rebecca)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:yes

Electronic document Stamp:

[STAMP dcecfStamp_ID=1029851931 [Date=6/27/2005] [FileNumber=1030041-0]
] [851231499a31c0d8ef923f78a03a7be1e23f968c331f737faeb944d974a13179094
42dc74ed63399f5da1df83698f80c74e51617ce99b9655af62c44003c9156]]

1:05-cv-11045 Notice will be electronically mailed to:

1:05-cv-11045 Notice will not be electronically mailed to:

Michael Baez
MCI Cedar Junction
P.O. Box 100
So. Walpole, MA 02071





Inmate : Baez, Michael W69027

Date: 6-27-02

Incident: On 6-26-02 inmate Baez refused to return plastic meal tray, which resulted in a force move cell extraction from K3-23 at approximately 11:30 p.m. Inmate Baez assaulted the extraction team members with a sharpened toothbrush during the force move.

***Injuries :** Inmate Baez injuries sustained consisted of a contusion to right eye, laceration to bottom lip, abrasion on right cheek, abrasion on right side of forehead, abrasion on bridge of nose, abrasion on right cheek, and abrasion on upper left cheek area.